

Levisohn Berger LLP
61 Broadway, 32ND Floor
New York, New York 10006
(212) 486-7272
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

B.I.G. JEWELRY CO., L.L.C.,

Plaintiff,

v.

TARGET CORPORATION, AMBRAS
FINE JEWELRY, INC., SAMUEL JEWELERS,
INC., GITANJALI GEMS LTD.,
and JOHN DOES 1-5,

Defendants.

AMENDED COMPLAINT

Civil Action No.
Civ. (07 CIV 8245)

ECF

FIRST AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, B.I.G. JEWELRY, CO., L.L.C., by and through its attorneys, complains against Defendants TARGET CORPORATION, ("Target"), AMBRAS FINE JEWELRY, INC., ("Ambras"), GITANJALI GEMS LTD., ("Gitanjali"), SAMUELS JEWELERS, INC., ("Samuels"), and John Does 1-5 (together, "Defendants") as follows:

PARTIES

1. Plaintiff, B.I.G. Jewelry Co., L.L.C. ("Plaintiff" or "BIG"), is a New York corporation having an office at 115 West 30th Street, New York, New York 10001.

2. Upon information and belief, Defendant Target is a corporation of the State of Minnesota with its principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403. Upon information and belief, Defendant Target does business at 40 West 225th Street, Bronx, New York 10463 in New York and in this district.

3. Upon information and belief, Defendant Ambras is a corporation of the State of New York with its principal place of business at 469 7th Avenue, 7th floor, New York, New York 10018-7605. Upon information and belief, Defendant Ambras does business in New York and in this district.

4. Upon information and belief, Defendant Gitanjali is a corporation of the State of New York with its principal place of business at 15 West 47th Street, New York, New York 10036. Upon information and belief, Defendant Gitanjali does business in New York and in this district.

5. Upon information and belief, Defendant Samuels is a corporation of the State of Texas with its principal place of business at 2914 Montopolis Drive, Austin TX 78741. Upon information and belief, Defendant Samuels does business in New York and in this district. Upon information and belief, Defendant Gitanjali owns Defendant Samuels.

JURISDICTION AND VENUE

6. This action arises under the Copyright Laws of the United States, 17 U.S.C. §§ 101, et seq.

7. This Court has jurisdiction over the subject matter of this Action pursuant to 28 U.S.C. §1331 and § 1338(a).

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. §1400(a). A substantial part of the events giving rise to the claim occurred in this district and defendants reside in this district within the meaning of 28 USC §§ 1391(b) and (c).

BACKGROUND

Plaintiff's Copyright Registration

9. Plaintiff, by assignment, is the owner of U.S. copyright registration VA 825-478 issued with an effective date of registration of December 24, 1996 by the United States Copyright Office for the work titled "BI 3354 (RING, PENDANT, EARRING) – for jewelry design (the "Copyrighted Work(s)"). BI 3354 is the same design as BI 4456. The Copyrighted Work contains material wholly original to Plaintiff and constitutes copyrightable subject matter according to the laws of the United States. The Copyrighted Work consists of a sculpted frame with a marquise shape stone. A true copy of the Certificate of Registration is attached hereto as Exhibit 1 and a photograph of BI 3354 is attached to as Exhibit 2.

10. Plaintiff applied for a separate copyright registration for the work entitled, "FRAME WITH PEAR STONE" which consists of the same sculpted frame as in Copyright Registration VA 825-478 but with a pear-shaped stone instead of the marquise stone. A true copy of the application and other documents that were

mailed to the Copyright Office regarding the same sculpted frame and pear-shaped stone are attached hereto as Exhibit 3. On August 23, 2007, the Copyright Office refused to register this application on the basis that the substitution of a pear-shaped stone for the marquise stone does not contain a sufficient amount of original authorship. A true copy of the Copyright's Office August 23rd letter is attached hereto as Exhibit 4. Hence, both the marquise and pear versions of the Copyrighted Work are covered by Copyright Registration VA 825-478.

11. Plaintiff has the right to sue and recover for any and all infringements of said Copyright Registration.

Defendants' Acts of Infringement

12. Upon information and belief, Defendant Ambras is in the business of manufacturing and selling jewelry and does business throughout the United States, including in this District.

13. On information and belief, in or about 2005 Defendant Ambras copied and began to sell and continues to manufacture and sell infringing copies of certain of the Copyrighted Work (the "Infringing Copies") to its customers, among which is Defendant Target and John Does 1-5. Attached hereto as Exhibit 4 are a series of photographs showing a comparison between Plaintiff's Copyrighted Works and the Infringing Copies.

14. On information and belief, Defendant Target began in or about 2005 to purchase Infringing Copies from Defendant Ambras and has sold and continues to sell Infringing Copies in the United States and in this jurisdiction.

15. Upon information and belief, Defendant Samuels is in the

business of selling jewelry and does business throughout the United States, including in this District with Ambras. Defendant Samuels buys the Infringing Copies from Ambras. Upon information and belief, Defendant Gitanjali is the parent corporation of Defendant Samuels and substantially contributes to the direction and control of Samuels.

16. Upon information and belief, Defendant Gitanjali is in the business of manufacturing and selling jewelry and does business throughout the United States, including in this District.

COUNT I
COPYRIGHT INFRINGEMENT

17. Plaintiff restates the allegations set forth in Paragraphs 1-16 above.

18. On information and belief, since in or about a date unknown in 2005, Defendant Ambras has infringed Plaintiff's rights to the Copyrighted Works by making and/or selling and/or placing upon the market in this district and elsewhere Infringing Copies, which were copied from and are substantially similar to the Copyrighted Works.

19. On information and belief, Defendant Target has purchased from Defendant Ambras Infringing Copies and continues to sell the Infringing Copies to the public and such acts constitute infringement of the Copyrighted Works.

20. On January 2, 2005, Plaintiff, by its attorneys, sent a letter to

Defendant Target, inter alia, informing Defendant Target of Plaintiff's rights with respect to the Copyrighted Works and Registration and demanding that Defendant Target avoid any infringing activities.

21. On January 18, 2005, Defendant Target informed Plaintiff that Defendant Ambras supplied the Infringing Items to Defendant Target.

22. On January 26, 2005, Plaintiff, by its attorneys, sent a letter to Defendant Ambras, inter alia, informing Defendant Ambras of Plaintiff's rights with respect to the Copyrighted Works and Registration and demanding that Defendant Ambras avoid any infringing activities.

23. Plaintiff was orally informed by Target that it would cease the infringing activities.

24. Despite the above, Defendants Target and Ambras have commenced and continue to sell the infringing items and infringe the rights of Plaintiff.

25. On information and belief, Defendant Target continues to purchase Infringing Copies from Defendant Ambras and to sell the Infringing Copies.

26. On information and belief, Defendants Gitanjali and Samuels have purchased from Defendant Ambras Infringing Copies and continue to sell the Infringing Copies to the public, and such acts constitute infringement of the Copyrighted Works.

27. The infringement of the Copyright Registration by Defendants is willful.

28. Defendants have offered for sale and sold and are continuing to offer for sale and sell Infringing Copies which infringe the aforesaid Copyrighted Works.

29. By reason of the foregoing, Plaintiff has been injured in an amount not

yet ascertained.

30. Unless enjoined by this Court, as requested below, Defendants will continue their acts of infringement, and Plaintiff will suffer irreparable injury and has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment against Defendants, and each of them, jointly and severally, as follows:

A. For Judgment that Defendants have infringed the Copyrighted Works and that Plaintiff be awarded damages and profits as provided by 17 U.S.C. § 504(b), or in the alternative at Plaintiff's election, awarding statutory damages, as provided by 17 U.S.C. § 504(c).

B. For an Order enjoining and restraining Defendants from:

- a) making, using, offering for sale, selling, marketing, displaying, distributing and advertising any works infringing the Copyrighted Works,
- b) continuing the acts of copyright infringement set forth herein, and from engaging in any additional acts of copyright infringement against Plaintiff.

C. Ordering Defendants to turn over to the Court or to Plaintiff, or to destroy within ten (10) days from the entry of any Final Judgment or Preliminary Decree entered in this action, all property in the possession of Defendants which is unlawfully created copies of Plaintiff's Copyrighted Works, all molds and models owned by Defendants used to create said infringing jewelry, any infringing product literature owned by Defendants, and all other works in the possession of Defendants that infringe Plaintiff's copyright, including an award of costs incurred by Plaintiff for the destruction of said articles.

D. Awarding Plaintiff costs and expenses, including reasonable attorney's fees, pursuant to 17 U.S.C. § 505.

E. Awarding Plaintiff such further relief as the Court deems just and proper.

Respectfully Submitted,

Date: October 19, 2007

By: 

Jonathan Berger (#JB-1025)
Peter L. Berger (#PB-0121)
LEVISOHN BERGER, LLP.
61 Broadway, 32nd Floor
New York, NY 10006
Telephone: (212) 486-7272
Facsimile: (212) 486-0323

Attorneys for Plaintiff, B.I.G. Jewelry Co., LLC

Exhibit 1

Certificate of Registration for VA 825-478

Additional Certificate (17 U.S.C. 70) Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

VA 825-478

VA 825-478



EFFECTIVE DATE OF REGISTRATION
DEC 24 1996

IF CONTINUATION SHEET

1. Title of this work: *DIAMOND, JEWELRY, PEARL*
2. Nature of this work: *JEWELRY DESIGN*
3. Previous or alternative titles: *DIAMOND, JEWELRY, PEARL*
4. Publication as a contribution: *DIAMOND, JEWELRY, PEARL*

If published in a periodical or serial give: Volume # Number # Issue Date # On Page #

2. a. NAME OF AUTHOR: *BALLCLANE IDEAS, Inc.*
b. AUTHOR'S NATIONALITY OR DOMICILE: *U.S.A.*
c. DATES OF BIRTH AND DEATH: Year Born # Year Died #
d. NATURE OF AUTHORSHIP: ☒ 3-Dimensional sculpture, ☒ Map, ☒ Technical drawing, ☒ 2-Dimensional artwork, ☒ Photograph, ☒ Text, ☒ Reproduction of work of art, ☒ Jewelry design, ☒ Architectural work, ☒ Design on sheetlike material, ☒ Architectural work

3. a. NAME OF AUTHOR: *BALLCLANE IDEAS, Inc.*
b. AUTHOR'S NATIONALITY OR DOMICILE: *U.S.A.*
c. DATES OF BIRTH AND DEATH: Year Born # Year Died #
d. NATURE OF AUTHORSHIP: ☒ 3-Dimensional sculpture, ☒ Map, ☒ Technical drawing, ☒ 2-Dimensional artwork, ☒ Photograph, ☒ Text, ☒ Reproduction of work of art, ☒ Jewelry design, ☒ Architectural work, ☒ Design on sheetlike material, ☒ Architectural work

4. YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED: *1994*

5. DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK: *1994*

6. COPYRIGHT CLAIMANT'S Name and address must be given even if the claimant is the same as the author given in space 2: *BALLCLANE IDEAS, Inc., 56 West 45th Street, 5th Floor, New York, NY 10036*

7. TRANSFER: If the claimant(s) named here in space 6 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright: *None*

APPLICATION RECEIVED

DEC 24 1996

ONE DEPOSIT RECEIVED

DEC 24 1996

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK

Complete all applicable spaces in this form and attach to the application for registration of the work.

DO NOT WRITE HERE

Page 1 of 1

EXAMINED BY _____

CHECKED BY _____

☐ CORRESPONDENCE

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PRIOR REGISTRATIONS This registration for this work, or for an earlier version of this work, already been made in the Copyright Office.

- a. ☒ This is the first published edition of a work previously registered in unpublished form.
- b. ☐ This is the first application submitted by the author or copyright claimant.
- c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number _____

Year of Registration _____

DERIVATIVE WORK OR COMPILATION Complete in space 6 and 7 for a derivative work, complete only 6 for a compilation.

a. Preceding Material Identify any preceding work or works that this work is based on or incorporates. _____

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. _____

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account. _____

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. _____

Reuben Ebrahimi, President

Brilliant IDEAS, Inc.

56 West 45th Street, 5th Floor

New York, NY 10036

Area Code and Telephone Number (212) 398-9570

CERTIFICATION I, the undersigned, hereby certify that I am the

author

or

owner of copyright

or

authorized agent of _____

Name of author or other copyright claimant, or owner of exclusive rights

of the work identified in this application and that the statements made in the application are correct to the best of my knowledge.

Sign and print name and date. If this application gives a date of publication in space 3, do not sign and submit it before that date.

Reuben Ebrahimi

Date 12/18/86

MAIL CERTIFICATE TO

Brilliant IDEAS, Inc. - Reuben Ebrahimi

56 West 45th Street, 5th Floor

New York, NY 10036

YOU MUST

1. SEND TWO IDENTICAL COPIES OF THIS APPLICATION AND A FEE

2. SEND ALL SERIALIZED IN THE SAME PACKAGE

3. PAY THE FEE

4. PAY THE FEE

5. PAY THE FEE

6. PAY THE FEE

7. PAY THE FEE

8. PAY THE FEE

9. PAY THE FEE

10. PAY THE FEE

Exhibit 2

**Photograph of BI 4456,
Jewelry Design Protected by
Copyright Registration No.
VA 825-478**

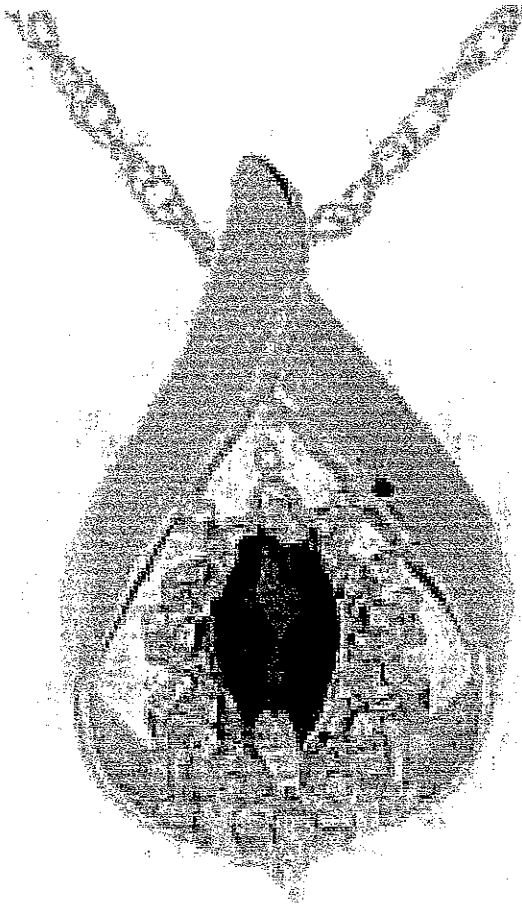
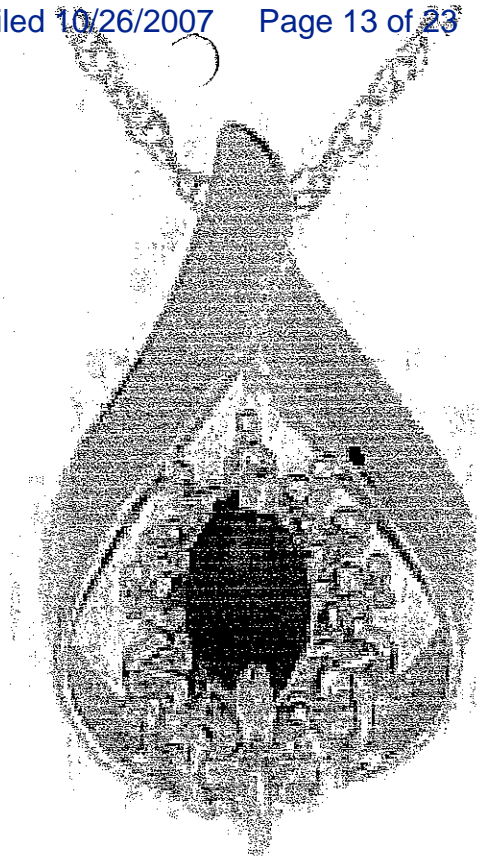
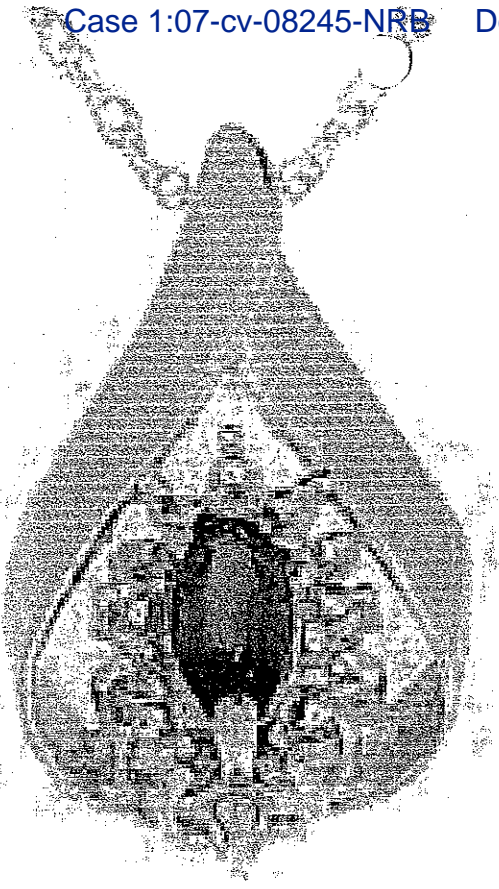


Exhibit 3

**Materials Mailed to the
Copyright Office Regarding
Application titled, "Frame
With Pear Stone"**

PETER L. BERGER
JANE B. LINOWITZ
TUVIA ROTBERG
JONATHAN BERGER

DAVID COWAN
TECHNICAL CONSULTANT

LEVISOHN BERGER LLP

61 BROADWAY
NEW YORK, NEW YORK 10006

TEL: (212) 486-7272

FAX: (212) 486-0323

WEBSITE: WWW.LLBL.COM

E-MAIL TO OFFICE:

PATENT@LLBL.COM

PATENTS,
TRADEMARKS
AND COPYRIGHTS

E-MAIL TO ATTORNEY:
FIRST INITIAL AND
LAST NAME OF
ATTORNEY@LLBL.COM

August 16, 2007

BY EXPRESS MAIL

Registrar of Copyrights
Special Handling
Copyright Receiving and Processing
PO Box 71380
Washington, D.C. 20024-1380

Re: Special Handling Copyright Application
For: Frame with Pear Stone
Our File No. 1265.012

Dear Sir/Madam:

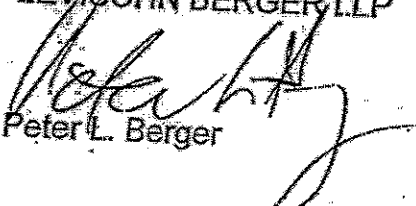
We submit by Special Handling an application to register a copyright to a derivative work.

Applicant, B.I.G. Jewelry Co., is the owner by assignment of copyright rights and the copyright registration VA825-478 to a jewelry design as depicted in Exhibit A. Exhibit A comprises a jewelry frame and a marquise shaped stone.

In 2004 Ari Tannenbaum substituted a pear shaped stone for the marquise stone of B.I.G. as shown in Exhibit B attached hereto.

While we believe that there may be no authorship in substituting the pear shaped stone for the marquise stone in the frame, B.I.G. is filing this copyright application for this derivative work. B.I.G. understands that the Copyright Office may refuse to register this since the substitution of a pear shaped stone for a marquise stone may not constitute authorship.

Respectfully submitted,
LEVISOHN BERGER LLP


Peter L. Berger

PLB:wr
Enclosures

request for special handling

FOR SPECIAL HANDLING REQUESTS ONLY

MAIL TO: Special Handling - Copyright Receiving and
Processing - PO Box 71380, Washington, D.C. 20024-1380

1 SPECIAL HANDLING IS NOT FOR CONVENIENCE ONLY!

NOTE: The special handling of a registration application or other fee service severely disrupts entire registration process and workflow of the Copyright Office. It is granted only in the most urgent of cases. A request for special handling is subject to the approval of the Chief of the Receiving and Processing Division, who takes into account the workload situation of the office at the time the request is made. A minimum period of five working days is required to process a registration application under special handling procedures.

Why is there an urgent need for special handling?

☒ Litigation

☐ Contractual/Publishing Deadlines

☐ Customs Matter

☐ Other, Specify

2

If you must have the requested action to go forward with the litigation, please answer the following questions.

a. Is the litigation actual or prospective? Prospective

b. Are you (or your client) the plaintiff or defendant in the action?
Please specify. Plaintiff

c. What are the names of the parties and what is the name of the court
where the action is pending or expected? Parties: Plaintiff - B.I.G Jewelry
Co., Defendant - Target; Court where action is expected: US District Court -
Southern District- New York.

Unless all
blanks are
completed
your
request
cannot be
processed.



(Signature)

Robert R. Bay

I certify that the statements above are correct to the best of my knowledge.

(Address)

(Phone)

(Oats)

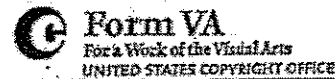
FOR COPYRIGHT
OFFICE USE ONLY

Information Specialist handling matter

remarks

C-2 August 1987 - 1,000'

Copyright Office fees are subject to change.
For current fees, check the Copyright Office
website at www.copyright.gov, write the Copy-
right Office, or call (202) 707-3000.



REGISTRATION NUMBER

VA VAL
EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Title of This Work ▼

NATURE OF THIS WORK ▼ See Instructions

FRAME WITH PEAR STONE

Jewelry Pendant

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

a BIG Jewelry Co

Was this contribution to the work a
"work made for hire?"

☒ Yes
☐ No

Author's Nationality or Domicile
Name of Country

OR ☐ Citizen of New York
☒ Domiciled in New York

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either
of these questions is
"Yes," see detailed
instructions.

Nature of Authorship Check appropriate box(es) See Instructions

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☒ Jewelry design☐ Architectural work

Name of Author ▼

Dates of Birth and Death

Year Born ▼

Year Died ▼

b Art Iannenbaum

Was this contribution to the work a
"work made for hire?"

☐ Yes
☒ No

Author's Nationality or Domicile
Name of Country

OR ☐ Citizen of USA
☒ Domiciled in New York

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either
of these questions is
"Yes," see detailed
instructions.

Nature of Authorship Check appropriate box(es) See Instructions

☐ 3-Dimensional sculpture☐ Map☐ Technical drawing☐ 2-Dimensional artwork☐ Photograph☐ Text☐ Reproduction of work of art☒ Jewelry design☐ Architectural work

Year in Which Creation of This Work Was

Completed

2004

This information
must be given
Year in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information

ONLY if this work
has been published

Month 10

Day

15

Year

2004

USA

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the
author given in space 2.

B.I.G. Jewelry Co.

115 West 30th Street, New York, New York 10001

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a
brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

DO NOT WRITE HERE
OFFICE USE ONLY

2
NOTE

Under the law,
the "author" of
a "work made
for hire" is
generally the
employer, not
the employee
(see Instruc-
tions). For any
part of this
work that was
"made for hire"
check "Yes" in
the space
provided, give
the employer
for other
person for
whom the work
was prepared
as "Author" of
that part, and
leave the
space for dates
of birth and
death blank.

3
4

See Instructions
before completing
this space.

EXAMINED BY

FORM VA

CHECKED BY

CORRESPONDENCE

☐ YesFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work or for an earlier version of this work already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼a. ☐ This is the first published edition of a work previously registered in unpublished formb. ☐ This is the first application submitted by this author as copyright claimantc. ☒ This is a changed version of the work as shown by space 6 on this applicationIf your answer is "Yes," give Previous Registration Number ▼ Year of Registration ▼
VA825-478 1996

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates ▼

See photo of Jewelry Item comprising gold frame and marquise stone

a
See instructions
before completing
this space.

b. Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed ▼

See photo of derivative jewelry item comprising same gold frame but substituting pear shaped stone for marquise stone

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account
Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/Zip ▼

Peter L. Berger, Esq.
Levisohn Berger LLP, 61 Broadway, 32nd Floor, New York, NY 10006

Area code and daytime telephone number (212) 486-7272 ext. 302

Fax number (212) 486-0323

Email pberger@LLBL.com

CERTIFICATION I, the undersigned hereby certify that I am the

check only one

☐ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of B.L.G. Jewelry Co.

Name of author or other copyright claimant or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date

Reuben Ebrahimi

Date

08/15/07

Handwritten signature (s) ▼

Certificates
will be
mailed in
window
envelope
to this
address:Name ▼
Peter L. Berger, Esq. c/o Levisohn Berger LLPNumber/Street/Apt. ▼
61 Broadway, 32nd FloorCity/State/ZIP ▼
New York, NY 10006

YOU MUST:

• Complete all necessary forms

• Sign your application in space 9

SEND ALL 3 ELEMENTS

IN THE SAME PACKAGE:

1. Application form

2. Non-refundable filing fee in check or money

order payable to Copyright Office

3. Deposit material

MAIL TO:

Library of Congress

Copyright Office

101 Independence Avenue SE

Washington, DC 20559-5000

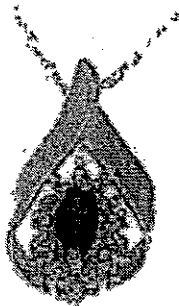
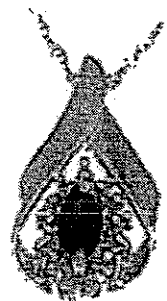
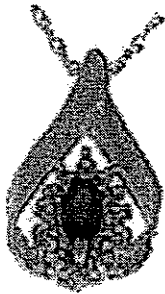


EXHIBIT A

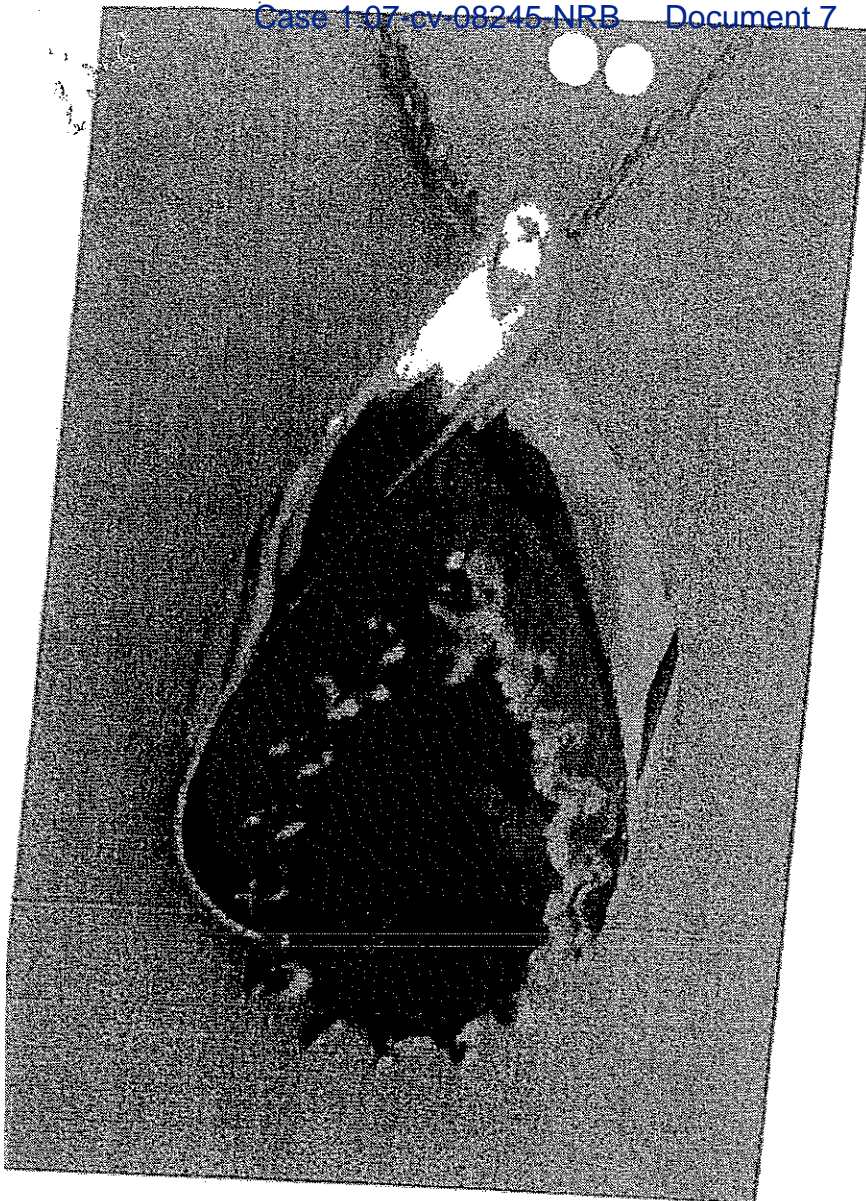


EXHIBIT B
FRAME WITH PEAR STONE

Exhibit 4

**Letter From Copyright Office
Regarding Application titled,
"Frame With Pear Stone"**

COPYRIGHT
OFFICE

RB/rc-d

August 23, 2007



LEVISOHN BERGER LLP
ATTN: PETER L BERGER
61 BROADWAY 32ND FLOOR
NEW YORK NY 10006

Control Number: 61-503-265 (L)
Re: "Fraine with Pear Stone"
Copyright Claimant: B.I.G. Jewelry Co
Your File No.: 1265.012

LIBRARY
OF
CONGRESS

Dear Mr. Berger:

According to space 6 of your application, this claim is based on new material added to preexisting elements. We cannot register this claim because the new material does not contain a sufficient amount of original authorship.

To be protected by copyright, a work must contain original literary, artistic, or musical expression. If a work contains previously registered, previously published, or public domain material, the copyright in the revised version covers only the additions or changes appearing for the first time. If a work contains only minor revisions or additions, or consists only of new material not protected by copyright, registration is not possible.

Examples of material not protected by copyright include names, titles, short phrases, familiar shapes and symbols, typography, layout, format, or a mere change of size or coloring.

Because there is no basis for registration, we are closing your file without further action. The nonrefundable filing fee has been applied to administrative costs.

Sincerely,
Rebecca Barker, Examiner
Visual Arts Section

By: *Re*

Enclosures:

Cirs. 14, 31, 34, 96 Sec. 202.1
SL-4a (Reconsideration Procedure)

Washington
D.C.
20559-6000